



28 MAR 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

47
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, IL 60606-6473

In re Application of :
KAMPERT et. al. :
Application No.: 10/542,960 :
PCT No.: PCT/EP04/00505 :
Int. Filing Date: 22 January 2004 : DECISION
Priority Date: 22 January 2003 :
Attorney's Docket No.:P05,0224 :
For: Mobile Data Transmission Method and System :
:

This decision is in response to the "Request for Refund under 37 CFR 1.26(a)" filed 15 May 2006 and to the petition filed 12 March 2007 under 37 CFR 1.182 to amend the name of inventor Paul Knee-Forest to Pavel Knee. The request and the petition are GRANTED without prejudice.

BACKGROUND

On 22 January 2004, applicants filed international application PCT/EP04/00505, claiming a priority date of 22 January 2003.

On 21 July 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and a preliminary amendment.

On 13 December 2005, the United States Designated/Elected Office mailed applicants a Notice of Missing requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 C.F.R. 1.497(a)-(d) and the surcharge for late filing of the oath or declaration were required.

On 16 March 2006, applicants submitted a declaration of the inventors, the \$130 surcharge, a one-month extension of time and a statement that inventor Paul Knee-Forrest had legally changed his name.

On 15 May 2006, applicants filed a request for refund under 37 CFR 1.26(a), indicating that the Office has overcharged Deposit Account No. 501519 an amount of \$1,460.

On 20 September 2006, the Office found that the submitted declaration does not comply with 35 U.S.C. 371(c)(4) and 37 C.F.R. 1.497(a)-(b) because inventor Paul Knee-Forrest is listed as Pavel Knee. The Office required applicants to file a petition under 37 C.F.R. 1.182 in order to change the name of inventor Paul Knee-Forrest to Pavel Knee.

On 12 March 2007 applicant filed the present petition, a four-month extension of time and a declaration by inventor Pavel Knee.

REQUEST FOR REFUND DISCUSSION

Applicants were charged \$100 for having more than three independent claims (code 1614), \$1,000 for having more than 20 total claims (code 1615) and \$360 for having multiple dependent claims. However, on 21 July 2005, concomitantly with filing the papers for entry into the national stage, applicants filed a preliminary amendment canceling claims 2-37 and maintaining a single independent claim. Accordingly, applicants were overcharged \$1,460 which will be refunded to applicant's Deposit Account No. 501519.

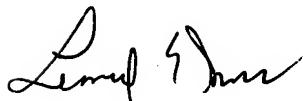
PETITION DISCUSSION

A review of inventor Pavel Knee's declaration describes clearly the circumstances of his name change, thereby satisfying the requirements of MPEP 605.04(c). In view of inventor Pavel Knee's declaration, the declaration of the inventors filed 16 March 2006 is found to comply with 35 U.S.C. 371(c)(4) and 37 C.F.R. 1.497(a)-(b).

CONCLUSION

Applicant's petition filed 12 March 2007 under 37 CFR 1.182 and, request for refund filed 15 May 2006, are GRANTED.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing for treatment in accordance with this decision.



Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3297
Facsimile: (571) 273-0459



Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208